

**MINUTES OF THE ZONING BOARD
PUBLIC HEARING & REGULAR MEETING,
MONDAY, DECEMBER 14, 2015, AT 7:00 P.M., ON
THE 4th FLOOR, CAFETERIA, GOVERNMENT
CENTER BLDG, 888 WASHINGTON BLVD.,
STAMFORD, CT**

Present for the Board: Thomas Mills (Chair), Barry Michelson (Secretary), Rosanne McManus, William Morris, David Stein and Joanna Gwozdzowski. Present for staff: Norman Cole, Land Bureau Chief and David Killeen, Associate Planner.

Mr. Mills called the meeting to order at 7:10 pm.

PUBLIC HEARING

1. **Application 215-36 – MYRTLE AVENUE APARTMENTS, LLC, 148 Myrtle Avenue, Special Exception and Final Site & Architectural Plans,** requesting approval of Site Plans/Requested Uses and an application for Special Exception approval under Section 7.3 for historic buildings in an R-MF zone to convert an existing nonconforming rooming house into two residential units and construct an additional three new residential townhouse units in the rear with associated parking and site improvements at 148 Myrtle Avenue.

Mr. Mills read the description of the application into the record. Mr. Michelson read the Planning Board letter into the record, which recommended Zoning Board approval of this application.

Lisa Feinberg, Attorney with Carmody, Torrance, Sandak and Hennessey, 707 Summer Street, presented this application. She explained the project location, fronting on Transitway, Phase II. The house is a 10-room rooming house. Attorney Feinberg described the development plan to restore the house (2 units) and build three, 3-bedroom townhouses to the rear. Under the current regulations, they are entitled to build four (4) units. They are asking for one (1) additional unit and additional coverage and reduced side-yards under Section 7.3 of the regulations for historic preservation projects. Also, there is a special exception to park within 5 feet of a residential building. Access is via a 7-1/2 foot wide right-of-way between 154 and 162 Myrtle Avenue which has existed since 1926. The Applicant was unable to acquire alternate access through adjoining properties.

Ravi Ahuja told the Board that the townhouses will be 1,300 sf with 2-car garages, with hardiplank exterior materials and 3-1/2 stories in height; the original building will be finished in wood.

Mr. Mills asked how snow removal would be handled. Mr. Ahuja said there was room to store snow in the southeast corner.

John Pugliesi described how trash would be managed.

Mr. Mills asked about air conditioning units. Mr. Ahuja said they will be in the attic.

At the request of Ms. Gwozdzowski, Mr. Ahuja explained the proposed lighting which would be motion sensors over the garages and on the side of the building near the rear parking spaces.

Renee Kahn said the project will enhance the Transitway since most of the street is ugly. The subject building is on the City's 1979 historic inventory. The proposal is similar to 48 Pleasant Street. The windows will be wood.

Mr. Mills asked if there was anyone from the public who wanted to speak on this application. There were none.

Mr. Killeen noted that the owner of 162 Myrtle Avenue has submitted a letter for the record.

Mr. Mills asked Mr. Pugliesi to submit the parking plan for 154 Myrtle Street for the record.

Mr. Mills closed the public hearing on this application at 8:00pm.

A motion was made by Mr. Morris and seconded by Ms. McManus to take the agenda out of order to discuss pending applications. The motion carried 5:0 (Mills, Michelson, Morris, Stein and McManus).

PENDING APPLICATIONS:

1. Appl. 215-36 – MYRTLE AVENUE APARTMENTS, LLC, 148 Myrtle Avenue, Special Exception and Final Site & Architectural Plans

Mr. Killeen circulated copies to the Board and reviewed a set of draft conditions prepared by the Applicant and Staff. Board members recommended some modifications based on the public hearing and asked that Staff forward a revised set of conditions for their consideration at the next meeting.

9. Appl. 213-38 - WALTER WHEELER DRIVE SPE, LLC and THE STRAND/BRC GROUP, LLC, the approval of Final Site and Architectural Plans and Requested Uses and Coastal Site Plan Review related to the development of a new 16-story (155 feet) building with 391 housing units and associated parking and landscaping and is located in the SRD-S district at the southeast corner of the intersection of Washington Blvd. and Atlantic Street, Block #25 known as Harbor Point Block C8.

Mr. Michelson asked how the Board could act with an outstanding zoning violation. Mr. Cole said this is a final site plan; Corporate Counsel has already addressed the issue. Mr. Michelson said Kathy Emmett, Legal Counsel for the City of Stamford, never issued a final opinion.

Mr. Morris, Ms. McManus, Mr. Stein and Mr. Mills all agreed they did not remember Attorney Emmett saying that. Mr. Cole read from a September 18, 2015 legal opinion where Attorney Emmett approved this legal opinion. Mr. Michelson asked how the application got onto the agenda. Mr. Mills said 3 board members asked that the application be placed on the agenda. Mr. Michelson noted that he was not part of those discussions.

Mr. Mills led a discussion of the draft conditions. The Board discussed inserting "implementation of a comprehensive parking management signage plan for all public and private

streets and roadways within the Harbor Point development prior to the issuance of a Certificate of Occupancy”. Mr. Stein also asked there be a condition concerning the Parking Management Plan referenced in the Staff Report on this application.

Chairman Mills suggested adding language regarding control of signage for parking. Mr. Cole advised against a change since it could affect all 22 parcels. This approval relates to a single tract.

Mr. Stein made a motion to approve Application 213-38 with the conditions as revised, seconded by Ms. McManus and the motion passed 3:2 (McManus, Stein and Morris voting to approve; Mills and Michelson voting to deny). The conditions will read as follows:

SITE-SPECIFIC CONDITIONS:

- 1. All improvements are deemed consistent with the Design Guidelines for the Harbor Point Development (SRD-S District). All work shall substantially conform to the above referenced Building and Site Plans [LIST TO BE PROVIDED IN CERTIFICATE] unless otherwise approved by the Zoning Board or, for minor modifications, by Zoning Board staff.*
- 2. Block C8 shall be designed and built to comply with the basic standards of the Leadership in Energy and Environmental Design (“LEED”) Neighborhood Development program established by the United States Green Building Council. The Applicant’s architect shall certify and document, prior to the issuance of a Certificate of Occupancy that the project complies with the standards of the LEED ND program.*
- 3. Prior to the issuance of a Certificate of Occupancy, the Applicant shall submit an Affordability Plan permanently establishing on-site a total of fifty-seven (57) Below Market Rate dwelling units, subject to approval of a final Affordability Plan by the Zoning Board staff (which includes 18 units related to the prior approval of the residential conversion of the S3 block). In the event the regulations applicable to Below Market Rate dwelling units are revised prior to the issuance of the first residential Certificate of Occupancy, the Applicant may request a modification of the Affordability Plan to comply with the regulations as amended, subject to approval of the Zoning Board. An additional .1 BMR unit will be incorporated into a future application within this development.*
- 4. The applicant shall submit final Block C8 designs and specifications for landscaping, lighting, fencing, furnishings, and streetscapes to insure consistency with the submitted application materials and SRD-S standards and design guidelines, subject to Zoning Board staff approval prior to the issuance of a Building Permit.*
- 5. The applicant shall submit a Landscape Maintenance Agreement and Drainage Maintenance Agreement, in conformity with the terms of the Development Agreement between the City of Stamford and the Harbor Point Infrastructure Improvement District, subject to approval by the Director of Legal Affairs and the Environmental Protection Board staff prior to issuance of a Certificate of Occupancy.*
- 6. Execution of a Sidewalk Easement to include all portions of proposed public sidewalks on private property in conformity with the terms of the Development Agreement between*

the City of Stamford and the Harbor Point Infrastructure Improvement District, subject to approval by the Director of Legal Affairs prior to the issuance of a Certificate of Occupancy.

- 7. Final Plans shall contain adequate provision for fire hydrants, fire lanes and emergency vehicle access, subject to approval of the Fire Marshal prior to issuance of a building permit.*
- 8. No signage has been approved as part of this application. All signage shall be subject to the administrative approval of the Zoning Board.*
- 9. There shall be no specialty lighting of the C8 building unless approved by the Zoning Board.*
- 10. Prior to the issuance of a Building Permit, Applicant shall submit an updated Parking Management Plan to document the use of the reduced parking standard of 1.25 parking spaces per dwelling unit (comparing to previously-approved developments); the proposed management of all tandem parking spaces (90 proposed), other traffic management strategies to be utilized (e.g. shared parking, bicycle racks, ZIP cars, etc.), and an update on the demand and use for the trolley system that was initiated in 2014 and serves this development, the Yale and Towne development, and the Downtown.*
- 11. Implementation of a comprehensive parking management signage plan for all public and private streets and roadways within the Harbor Point development prior to the issuance of a Certificate of Occupancy.*

STANDARD CONDITIONS:

- 12. Applicant shall make best efforts to keep the property in good condition up until and during the construction process. Existing lawn areas shall be mowed and maintained, and construction debris shall be kept to a reasonable minimum.*
- 13. The applicant shall submit a Block C8 Trash Management Plan and Truck Delivery and Operations Plan for approval by Zoning Board staff prior to the issuance of a Certificate of Occupancy.*
- 14. No significant mechanical equipment in addition to that depicted on the building and site plans shall be installed at grade or on building roofs within public view from any public street or public access area without the prior approval of the Zoning Board staff.*
- 15. The applicant shall submit a Construction Staging and Management Plan to insure safe, adequate and convenient vehicular traffic circulation and operations, pedestrian circulation and protection of environmental quality through the mitigation of noise, dust, fumes and debris subject to final approval of the Director of Operations and the Building Department prior to issuance of a Building Permit. Such Construction Management Plan shall address, but not be limited to, reasonable restrictions on times when deliveries can be made to the job site, measures to control dust, staging areas for materials and construction worker parking, and measures requiring the timely removal of construction debris and/or litter from the jobsite.*

16. *Prior to issuance of a Building Permit, applicant shall obtain necessary approvals and permits from the Stamford Water Pollution Control Agency (WPCA).*
17. *Sanitary sewer and storm drainage plans are approved subject to final review of design specification and construction plans by the Engineering Bureau. Storm water plans shall incorporate Best Management Practices to mitigate water quality impacts, and shall take into consideration the drainage requirements of the Connecticut D.E.E.P. Remedial Action Plan for contaminated soils.*
18. *A Street Opening Permit shall be required for any and all work within any City of Stamford street right of way.*
19. *Prior to the issuance of a Building Permit, sedimentation and erosion control plans shall be submitted and subject to approval by the Environmental Protection Board staff.*
20. *Operation and maintenance of streetlights other than standard “cobra heads” or decorative streetlights approved by the Engineering Bureau are subject to determination by the Stamford Director of Operations. Street trees and streetlights shall be in conformity with the terms of the Development Agreement between the City of Stamford and the Harbor Point Infrastructure Improvement District. Street lighting shall be designed to provide a minimum illumination of 0.5 foot-candles for all roadways. Removal of any existing street lighting within the public right of way shall be coordinated with and subject to approval by the Engineering Bureau. Where sidewalks are proposed to be reconstructed, it is the intent of the applicant to remove existing utility poles and install necessary utilities underground wherever feasible and where overhead utilities are not required to service other properties.*
21. *The Applicants shall have one year from the effective date of this approval within which to secure a Building Permit, subject to Zoning Board approval of three extensions, each not more than one year, upon timely application and good cause shown.*

Mr. Mills took a brief recess and resumed the meeting at 9:25pm.

OLD BUSINESS

1. Proposed Harbor Point signage

Mr. Killeen reviewed submitted plans for signage at Bare Burger to allow a non-illuminated sign that will be 3' high and 20' wide, based on the request of Classic Sign Company, representative Mark Lussier, dated December 3, 2015.

Ms. McManus made a motion to approve the signage as presented, seconded by Mr. Stein and the motion passed 4:1 (Mills, McManus, Stein and Morris voting to approve; Michelson voting to deny).

A motion was made by Mr. Michelson to return to the regular agenda to continue the Boatyard applications under Public Hearing items, seconded by Mr. Morris and the motion carried 3:2 (Morris, Michelson and McManus in favor; Mills and Stein opposed).

PUBLIC HEARING (continued from November 30, 2015)

1. **Appl. 215-02 – THE STRAND/BRC GROUP, LLC, Text change**, to Amend Article III, Section 9(J)(5)(b) of the SRD-S District to increase permitted non-residential floor area ratio (FAR) from 0.20 to 0.23.
2. **Appl. 215-03 – THE STRAND/BRC GROUP, LLC, Washington Blvd./Bateman Way, Amend GDP**, requesting approval to amend the General Development Plan (GDP) for Harbor Point, originally approved as Application 206-57, by: 1) removing the note on the plan stating “maintain existing boat storage operation” and adding a note to read “Block P7 Permitted Uses: Office and Retail, Public Access, Marina, Parking” and 2) deleting the language of approval Condition #7 and replacing it with “Subject to SRD regulations, any future final site plan application, for full development of the 14 acre site, shall include a marina and public access improvements which shall be subject to review and approval of the Zoning Board.” in the SRD-S district, and to seek Coastal Site Plan Review of these amendments.
3. **Appl. 215-04 – SOUTHFIELD PROPERTY, LLC, Text change**, to Amend Article III, Section 9AAAA DWD Designed Waterfront Development District standards regarding maximum building height, minimum front setback, retention of existing structures and exemption of Water Dependent Uses from the calculation of building coverage, ground coverage, public access, preservation of visual resources and landscaping.
4. **Appl. 215-05 – WATERFRONT OFFICE BUILDING, LP, Map Change**, requesting approval to amend the Zoning Map to change from CWD to DWD for approximately 8.15 acres of property known as Stamford Landing and identified as 46, 62, 68 and 78 Southfield Avenue, Block #25.
5. **Appl. 215-06 – SOUTHFIELD PROPERTY LLC and WATERFRONT OFFICE BUILDING, LP, 28, 46, 62, 68, 78 Southfield Avenue, and 2 Selleck Street, Special Exception, General Development Plans and Coastal Site Plan Review**, requesting approval of special exceptions and General Development Plan to construct 261 units of housing and a full service boatyard and marina with public access to the waterfront and water-dependent uses on approximately 13.4 acres on Southfield Avenue in a DW-D zone. Special Exceptions being requested for proposed uses and development of the project and to establish a DWD district and to provide residential, retail and office and a boatyard/marina use and general public access.
6. **Appl. 215-07 – SOUTHFIELD PROPERTY LLC and WATERFRONT OFFICE BUILDING, LP, 28, 46, 62, 68, 78 Southfield Avenue, and 2 Selleck Street, Final Site and Architectural Plans & Requested Uses, Special Exception and Coastal Site Plan Review**, requesting approval of Final Site & Architectural Plans, Special Exception and Coastal Site Plan Review to construct 261 units of housing and a full service boatyard and marina with public access to the waterfront and water-dependent uses on approximately 13.4 acres on Southfield Avenue in a DW-D zone.

7. **CSPR-978 – WATERFRONT MAGEE, LLC, 205 Magee Avenue,** to provide winter boat storage on 3.5 acres in M-G zone, temporary parking, no utilities and no equipment storage.

Mr. Mills read a description of the applications into the record and noted that discussion of these applications would continue until 10:30pm.

Attorney Knuff, for the Applicant, agreed to eliminate the road at Davenport. He also agreed to answer Board Member Stein's questions in writing at the next meeting. Mr. Stein asked again for copies of the lease and financial projections for the proposed boatyard to be provided to the Board. Attorney Knuff refused to provide these documents to the Board.

Attorney Knuff said MarineTec has portions of the lease and 3 years of financials. The Zoning Board said they wanted five years of financials to go to MarineTec. Attorney Knuff agreed they would provide five years of financials to MarineTec.

Bill Heiple, Engineer from Fuss & O'Neill, presented a power point presentation which showed boat storage plans without the road and which added 22 boats of 30'-40' lengths. The presentation also showed Staging Slip Plans for fueling and waiting to fuel and launch/hauling.

Mr. Mills said the Staging Slip Plan involves three property ownerships and asked how the plan would be enforced? Attorney John Freeman said they will implement enforcement through easements.

Mr. Heiple showed the Boatyard building maneuvering drawing and a letter from the fork lift company verifying that Model M2400 can lift 15,000 lbs. 30-foot length boats and 13,000 lbs. 40-foot length boats. They showed the dimensions of the travel lift well. He reviewed updated turning templates for the haul route. He discussed Tab #6 of their handout, Movable Fence (with roadway) showing how the Davenport Landing Boatyard could be secured and they will also provide security cameras.

Attorney Knuff discussed Tab #7 of their handout, and the list of manufacturers Hinckley will service. Mr. Morris noted that these are only diesel engines. Attorney Freeman said they will update with gas engines to be serviced as well.

Attorney Knuff discussed Tab #8 of their handout, the Gardello Boatyard rack utilization letter. Mr. Mills asked what size boats Gardello handled?

Mr. Morris said there were 537 boats at BYHW but the Applicant is only providing 176 boats at Davenport. As a result, the Applicant is reducing storage by 70+% but decline in boat ownership is only about 8%. These numbers are based on those provided by the Applicant and included in the Integra Market Study.

Ms. McManus said the Board should continue the Public Hearing on these applications until January 11, 2016 because of the holidays and the need for the Applicant to provide additional information to the Board. Mr. Mills asked Staff to assemble a list of pending Board requests on this application.

Mr. Mills continued the public hearings on these applications until the scheduled Zoning Board meeting of January 11, 2016 at 7:00pm in the 4th floor cafeteria.

REGULAR MEETING

APPROVAL OF MINUTES:

Minutes for Approval: November 30, 2015

After a brief discussion, a motion was made to approve the minutes as submitted, by Mr. Michelson, seconded by Mr. Morris and the motion carried 5 to 0 (Mills, Michelson, Morris, Stein and Gwozdzowski who was present for that meeting).

OLD BUSINESS

2. Appl. 210-16 – Final Development Plan (GDP) and Coastal Site Plan Review – GATEWAY, Washington Blvd (*approval of signage*).

Mr. Killeen reviewed the request for one banner and one ground sign, noting that the Applicant is seeking a Certificate of Occupancy for this property.

After a brief discussion, Mr. Stein made a motion to approve the ground sign and to have the banner sign removed, as offered by the Applicant, seconded by Ms. McManus and the motion carried 4:0:1 (Mills, McManus, Morris, Stein voting in favor; Michelson abstaining).

3. CSPR-160, 19 Clinton Avenue and CSPR-293, 61 Clinton Avenue (release of conservation easements).

Mr. Cole explained that conservation easements were previously attached to both properties, 19 Clinton Avenue and 61 Clinton Avenue, by the Zoning Board as part of the Coastal Site Plan Review process, to mirror permits of the EPB. Now, the City would like to replace these conservation easements with a new public access easement to facilitate the continuation of the Mill River Walk.

After further discussion, a motion was made by Mr. Stein and seconded by Mr. Morris to approve the proposed release of the existing conservation easements on properties at 19 Clinton Avenue and 61 Clinton Avenue to allow for a public access easement in favor of the Mill River Walk over these properties. The motion carried 5:0 (Mills, Michelson, McManus, Morris and Stein).

4. Appl. 214-05 - RB Stamford Associates, LLC, Site Plan/Requested Uses and Special Exception approval related to a mixed-use development including 672 residential units, a public café, indoor and outdoor community amenity space and a resident parking area which will be integrated below the building as well as other site improvements. The subject site, referred to as Urban Renewal Plan Parcel 38A & 38B (also known as “the hole in the ground”), is located at the northeast intersection of Greyrock Place and Tresser Boulevard and consists of approximately 4.32 acres (*proposed revisions to development plans*).

Attorney Lisa Feinberg, for the Applicant, reviewed the requested revisions to the development plan. Architect Glen Haydu presented a brief power point presentation to highlight changes to: 1) the garage layout, which would eliminate 17 parking spaces, 2) modification of the central “Oasis”, which would expand the gym/recreational area and eliminate 24 dwelling units, 3)

changes to the HVAC system that would eliminate the vents under the windows, 4) modification of the doors and the “green screen” to accommodate concerns of EverSource and 5) modification of proposed top floor of Building A at the corner of Tresser Blvd. and Greyrock Plaza.

Mr. Mills expressed concern about changing the tall windows proposed for Building A. Mr. Haydu then showed the Board a video of Architect, Eric Vermeulen in Amsterdam who is part of the project team. In the video, Mr. Vermeulen provided background on an alternate plan for the proposed rooftop art, which alternate plan features a whimsical clock designed by European Artist Maarten Baas.

After a brief discussion, Ms. McManus made a motion to approve the revisions with the condition that the Applicant provide the maximum increase in the windows at the top floor in Building A, seconded by Ms. Morris and the motion carried 5:0 (Mills, McManus, Michelson, Morris and Stein)

Ms. McManus moved to adjourn the meeting at 11:25pm, seconded by Mr. Michelson and the motion passed 5:0 (Mills, Michelson, Morris, Stein and McManus in favor).

Respectfully submitted,

Barry Michelson, Secretary
Stamford Zoning Board